

HOUSE BILL No. 1061

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-15-2; IC 6-1.1; IC 9-13-2; IC 9-18; IC 10-5; IC 10-6-1-7; IC 14-22-12; IC 16-33-4; IC 20-10.1-30; IC 20-12-19; IC 25-25-2-1; IC 25-37-1-14.

Synopsis: Merchant marine service veterans' benefits. Extends state veterans' benefits to individuals who serve in the United States Merchant Marine during wartime.

Effective: July 1, 2003.

Cheney

January 7, 2003, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1061

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans affairs.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-15-2-18 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. (a) The rating of
3 each test shall be completed and the resulting list established not later
4 than thirty (30) days after the date on which the test was held, unless
5 such time is extended by the director for reasons which the director
6 shall record in the official records of the department. The final earned
7 rating of each person competing in any test shall be determined by the
8 weighted average of the earned ratings of the test, according to weights
9 for each phase established by the director in advance of the giving of
10 the test. The names of all persons attaining the minimum final earned
11 ratings established by the director in advance of the giving of the tests
12 shall be placed upon the eligible list in order of their ratings. The
13 names of persons who have indicated in writing that they are unwilling
14 to accept appointment may be dropped from the list. All persons
15 competing in any test shall be given written notice of their final earned
16 ratings. Statements of former employers of the applicants shall be
17 confidential. A manifest error in rating a test shall be corrected if called

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to the attention of the director, but such correction shall not invalidate any appointment previously made from such a list.

(b) In certification for appointment, in appointment, in reinstatement, and in reemployment in any state service, preference shall be given to former members of the military services of the United States who served on active duty in any branch of the armed forces and who at no time received a discharge or separation under other than honorable conditions, except corrected separation or discharge to read "honorable" as evidenced by appropriate records presented from the United States Department of Defense or appropriate branch of the military service.

(c) Preference shall be given in the following priorities:

(1) Former members of the military service who have established the present existence of a service connected disability of ten percent (10%) or more, as evidenced by records of the United States Department of Veterans Affairs **or the United States Department of Transportation** or disability retirement benefits as evidenced by laws administered by the United States Department of Defense.

(2) The spouse of such service connected disabled veterans and the unremarried spouse of deceased veterans.

(3) Those former members of the military service who are wartime veterans.

(4) Veterans of the military service who served more than one hundred eighty-one (181) days on active duty, regardless of when served.

(d) In all written examinations to determine the qualifications of applicants for entrance into state service:

(1) ten (10) points shall be added to the earned rating of persons taking competitive examination under subsection (c)(1) or (c)(2);

(2) five (5) points shall be added to the earned ratings of persons taking competitive examination under subsection (c)(3); and

(3) two (2) points shall be added to the earned rating of persons taking competitive examination under subsection (c)(4).

(e) All points specified in subsection (d) shall be added to the total combined test scores of the person and shall not be allocated to any single feature or part of the competitive examination. Rating shall be based on a scale of one hundred (100) points as the maximum attainable.

(f) When veterans preference in state service employment is limited to wartime veterans, this subsection applies for the purpose of defining "war":

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(1) World War II - December 7, 1941, to December 31, 1946.

(2) Korean Conflict - June 27, 1950, to January 31, 1955.

(3) Viet Nam Conflict - August 5, 1964, to May 7, 1975.

(4) Actual combat or duty equally hazardous, regardless of time, or service in any foreign war, insurrection, or expedition, which service is recognized by the award of a service or campaign medal of the United States.

(5) Service on a vessel of the United States on ocean, coastwise, or intercoastal voyages, regardless of time, under conditions of danger to life and property or subjected to hostile action by an enemy government or hostile force.

(6) Participation as a regularly assigned crew member of any military craft **or vessel of the United States** in a mission in support of a military operation, regardless of time, as designated by the armed forces of the United States.

(g) Active duty consists of:

(1) ninety (90) days or more wartime service;

(2) ninety (90) days or more consecutive service which began or ended during wartime period;

(3) ninety (90) days or more combined service in two (2) or more wartime periods;

(4) service of less than ninety (90) days, if discharged for a disability in line of duty; or

(5) service qualifying under subsection (f)(4), ~~or~~ (f)(5), **or (f)(6)**, which must be documented by appropriate records of the United States Department of Defense **or the United States Department of Transportation.**

(h) In examinations where experience is an element of qualification, time spent in the armed forces of the United States shall be credited in a veteran's rating where the veteran's actual employment in a similar vocation to that for which the veteran is examined was interrupted by such service. In all examinations to determine the qualifications of a veteran applicant, credit shall be given for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received for the experience.

(i) In determining qualifications for examination, appointment, promotion, retention, transfer, or reinstatement, with respect to preference eligibles, the department shall waive requirements as to age, height, and weight, if the requirement is not essential to the performance of the duties of the position for which examination is given. The department, after giving due consideration to the

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1 recommendation of any accredited physician, shall waive the physical
 2 requirements in the case of any veteran, if the veteran is, in the opinion
 3 of the director, physically able to discharge efficiently the duties of the
 4 position for which the examination is given. No minimum educational
 5 requirement may be prescribed in any civil service examination except
 6 for such scientific, technical, or professional positions, the duties of
 7 which the department decides cannot be performed by a person who
 8 does not have such education. The director shall make a part of the
 9 department's public records the director's reasons for such decision.

10 (j) The names of preference eligibles shall be entered on the
 11 appropriate registers or lists of eligibles in accordance with their
 12 respective augmented ratings. The name of a preference eligible shall
 13 be entered ahead of all others having the same rating.

14 (k) The director shall adopt appropriate rules under IC 4-22-2 for
 15 the administration and enforcement of this section.

16 (l) In any reduction in personnel in any state service, competing
 17 employees shall be released in accordance with board regulations
 18 which shall give due effect to tenure of employment, military
 19 preference, length of service, and efficiency ratings. The length of time
 20 spent in active service in the armed forces of the United States of each
 21 such employee shall be credited in computing length of total service.
 22 Veteran's preference points shall be added to the retention score of a
 23 preference eligible. When any of the functions of any state agency are
 24 transferred to, or when any state agency is replaced by, some other state
 25 agency or agencies, all preference employees in the function or
 26 functions transferred or in the agency replaced shall first be transferred
 27 to the replacing agency or agencies for employment in positions for
 28 which they are qualified, before the agency or agencies appoint
 29 additional employees from any other sources for such positions.

30 (m) Any preference eligible who has resigned may, at the request of
 31 any appointing officer, be certified for and appointed to any position
 32 for which the preference eligible has been a regular employee in the
 33 state service.

34 (n) Any preference eligible who has been furloughed or separated
 35 without delinquency or misconduct, upon request, shall have the
 36 preference eligible's name placed on all appropriate registers and
 37 employment lists, for every position for which the preference eligible's
 38 qualifications have been established.

39 (o) Applicants claiming preference of their own service must submit
 40 either:

41 (1) original discharge or separation or certified copies or photostat
 42 copies of the originals;

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(2) an official statement from the United States Department of Defense or the United States Department of Transportation showing record of service; or

(3) an official statement from the United States Department of Veterans Affairs supporting the claim for disability.

SECTION 2. IC 4-15-2-18.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 18.1. As used in this chapter, "armed forces" or "military services" includes the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, and United States Merchant Marine.**

SECTION 3. IC 4-15-2-18.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 18.2. As used in this chapter, "vessel of the United States" means a vessel documented or numbered under the laws of the United States or titled under the laws of a state.**

SECTION 4. IC 4-15-2-18.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 18.3. As used in this chapter, "veteran" means a person who served in the armed forces and was discharged or separated from service under other than dishonorable conditions.**

SECTION 5. IC 6-1.1-1-22.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 22.7. "Military or naval forces of the United States" includes the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, and United States Merchant Marine.**

SECTION 6. IC 6-1.1-12-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 0.3. (a) As used in this chapter, when a deduction is available to a person who served in the military or naval forces of the United States during any of its wars, "war" includes the following periods of service:**

- (1) Spanish-American War - April 21, 1898, to July 4, 1902.
- (2) Mexican border period - May 9, 1916, to April 5, 1917.
- (3) World War I - April 6, 1917, to November 11, 1918.
- (4) World War II - December 7, 1941, to December 31, 1946.
- (5) Korean Conflict - June 27, 1950, to January 31, 1955.
- (6) Vietnam era - August 5, 1964, to May 7, 1975.
- (7) Persian Gulf War - August 2, 1990, to a date to be set by presidential proclamation or federal law.
- (8) The period beginning on the date of any declaration of

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war, after June 30, 2003, by the United States Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the United States Congress.

(9) Actual combat or duty equally hazardous, regardless of time, or service in any foreign war, insurrection, or expedition, which service is recognized by the award of a service or campaign medal of the United States.

(10) Service on a vessel of the United States on ocean, coastwise, or intercoastal voyages, regardless of time, under conditions of danger to life and property or subjected to hostile action by an enemy government or hostile force.

(11) Participation as a regularly assigned crew member of any military craft or vessel of the United States in a mission in support of a military operation, regardless of time, as designated by the military or naval forces of the United States.

(b) As used in this section, "vessel of the United States" means a vessel documented or numbered under the laws of the United States or titled under the laws of a state.

SECTION 7. IC 6-1.1-12-13, AS AMENDED BY P.L.291-2001, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as provided in section 40.5 of this chapter, an individual may have twelve thousand dollars (\$12,000) deducted from the assessed value of the taxable tangible property that the individual owns, or real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home, if the contract or a memorandum of the contract is recorded in the county recorder's office and if:

(1) the individual served in the military or naval forces of the United States during any of its wars;

(2) the individual received an honorable discharge;

(3) the individual is disabled with a service connected disability of ten percent (10%) or more; and

(4) the individual's disability is evidenced by:

(A) a pension certificate, an award of compensation, ~~or~~ a disability compensation check, **or other documentation** issued by the United States Department of Veterans Affairs, **the United States Department of Transportation, or the head of another federal agency;** or

(B) a certificate of eligibility issued to the individual by the

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Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section.

(b) The surviving spouse of an individual may receive the deduction provided by this section if the individual would qualify for the deduction if the individual were alive.

(c) One who receives the deduction provided by this section may not receive the deduction provided by section 16 of this chapter. However, the individual may receive any other property tax deduction which the individual is entitled to by law.

(d) An individual who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section against that real property, mobile home, or manufactured home.

SECTION 8. IC 6-1.1-12-14, AS AMENDED BY P.L.291-2001, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) Except as provided in subsection (c) and except as provided in section 40.5 of this chapter, an individual may have the sum of six thousand dollars (\$6,000) deducted from the assessed value of the tangible property that the individual owns (or the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home if the contract or a memorandum of the contract is recorded in the county recorder's office) if:

- (1) the individual served in the military or naval forces of the United States for at least ninety (90) days;
- (2) the individual received an honorable discharge;
- (3) the individual either:
 - (A) is totally disabled; or
 - (B) is at least sixty-two (62) years old and has a disability of at least ten percent (10%); and
- (4) the individual's disability is evidenced by:
 - (A) a pension certificate, ~~or~~ an award of compensation, **or other documentation** issued by the United States Department of Veterans Affairs, **the United States Department of Transportation, or the head of another federal agency;** or



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(B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section.

(b) Except as provided in subsection (c), the surviving spouse of an individual may receive the deduction provided by this section if the individual would qualify for the deduction if the individual were alive.

(c) No one is entitled to the deduction provided by this section if the assessed value of the individual's tangible property, as shown by the tax duplicate, exceeds fifty-four thousand dollars (\$54,000).

(d) An individual who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section against that real property, mobile home, or manufactured home.

SECTION 9. IC 6-1.1-12-15, AS AMENDED BY P.L.177-2002, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) Except as provided in section 17.8 of this chapter, an individual who desires to claim the deduction provided by section 13 or section 14 of this chapter must file a statement with the auditor of the county in which the individual resides. With respect to real property, the statement must be filed during the twelve (12) months before May 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

(1) a pension certificate, an award of compensation, ~~or~~ a disability compensation check, **or other documentation** issued by the United States Department of Veterans Affairs, **the United States Department of Transportation, or the head of another federal agency**, if the individual claims the deduction provided by section 13 of this chapter;

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(2) a pension certificate, ~~or~~ an award of compensation, ~~or other documentation~~ issued by the United States Department of Veterans Affairs, **the United States Department of Transportation, or the head of another federal agency**, if the individual claims the deduction provided by section 14 of this chapter; or

(3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under a contract that provides that the individual is to pay property taxes for the real estate, mobile home, or manufactured home, the statement required by this section must contain the record number and page where the contract or memorandum of the contract is recorded.

SECTION 10. IC 9-13-2-101 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 101. "Member of the armed forces of the United States" means a person who served or serves on active military or naval service in the land, air, or naval forces of the United States. The term does not include service in the merchant marines, **except as the term is used in IC 9-18-18 and IC 9-18-38.**

SECTION 11. IC 9-13-2-132 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 132. "Prisoner of war" means a person who, while serving on active military service in the land, air, or naval forces of the United States, was in the power of a hostile government, was imprisoned by the military or naval forces of a foreign nation during the United States' military involvement in World War I, World War II, the Korean Police Action, or the Vietnam Conflict and who is either presently a member of the armed forces or has received an honorable discharge. **As used in IC 9-18-18 and IC 9-18-38, the term includes a person who, while serving in the United States Merchant Marine, was imprisoned or forcibly detained or interned by an enemy government or hostile force as the result of hostile action or declared war.**

SECTION 12. IC 9-18-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A person may apply for, receive, and display a disabled veteran license plate on the person's vehicle for private and personal use if the person, as the result

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of having served in the armed forces of the United States, has:

- (1) lost sight in both eyes or suffered permanent impairment of vision in both eyes to the extent of being eligible for service-connected compensation for the loss;
- (2) suffered the loss of one (1) or both feet or the permanent loss of use of one (1) or both feet;
- (3) suffered the loss of one (1) or both hands or the permanent loss of use of one (1) or both hands; or
- (4) a physical condition that precludes the person from walking without pain or difficulty.

(b) An application for a disabled veteran license plate must be accompanied by a certificate from the:

- (1) United States Department of Veterans Affairs; ~~or~~
- (2) appropriate branch of the armed forces of the United States;
- (3) United States Department of Transportation; or**
- (4) head of another federal agency;**

confirming the eligibility of the person submitting the application for the disabled veteran license plate.

SECTION 13. IC 9-18-38-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this chapter, "Indiana retired armed forces member" means a person who:

- (1) has served at least twenty (20) years in the United States Armed Forces or their reserves and qualifies for a paid retirement; and
- (2) presents:

- (A) a valid United States Uniformed Services Retiree Identification Card or its reserve equivalent; or**
- (B) equivalent documentation from the United States Department of Transportation or the head of another federal agency.**

SECTION 14. IC 10-5-3-1, AS AMENDED BY P.L.16-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) **As used in this section, the term "armed forces" includes the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, and United States Merchant Marine.**

(b) Whenever any person, male or female, who has heretofore served, or who may hereafter serve, as a member of the armed forces of the United States ~~as a soldier, sailor, or marine in the army, air force, or navy of the United States~~, or as a member of the women's components thereof, resident of any county of this state, and who, while a member of the armed forces and before discharge therefrom, or, who

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1 after receiving an honorable discharge therefrom, or the wife or widow,
 2 the husband or widower of any such member of the armed forces of the
 3 United States, resident of any county of this state, has died or shall
 4 hereafter die, upon claim being filed by an interested person with the
 5 board of commissioners of the county of the residence of such deceased
 6 person, stating the fact of such service, death, and discharge, if
 7 discharged from such service prior to death, and that the body has been
 8 buried in a decent and respectable manner, in a cemetery or burial
 9 ground, such board of commissioners shall hear and determine such
 10 claim, like other claims, filed for allowance by them, and if the facts
 11 averred are found to be true, as a tribute of respect due such member
 12 of the armed forces, shall make allowance of such claim in a sum not
 13 exceeding one hundred dollars (\$100) for service rendered and material
 14 furnished in care of such body and where necessary an amount not to
 15 exceed twenty-five dollars (\$25) for a place of burial of such body.

16 ~~(b)~~ (c) Only one (1) claim shall be allowed for any decedent, who
 17 qualifies under this chapter, and the total sum of the claim filed and for
 18 which allowances shall be made whether it be for service rendered and
 19 material furnished or service rendered, material furnished, and place
 20 for burial furnished shall not exceed one hundred dollars (\$100).
 21 However, should the federal government provide a marker for the grave
 22 of any such person, the board of commissioners shall make a further
 23 allowance of not more than one hundred dollars (\$100) for the setting
 24 of such marker. Any sum of money expended by any county under the
 25 provisions of this chapter shall be considered as a gift, and no persons
 26 for and on behalf of the state of Indiana or any of its political
 27 subdivisions shall be authorized to file a claim for a lump sum death
 28 benefit, with the federal social security administration claiming
 29 reimbursement for any sum of money so expended.

30 ~~(c)~~ (d) Before a person who will set a grave marker provided by the
 31 federal government as described in subsection ~~(b)~~ (c) enters into a
 32 contract to set the grave marker with a person who receives the grave
 33 marker from the federal government, or the person's representative, the
 34 person who will set the grave marker must disclose the following
 35 information to the person who receives the grave marker, or the
 36 person's representative:

37 (1) The price of the least expensive installation procedure that the
 38 person who will set the grave marker will charge for setting the
 39 grave marker and a description of the goods and services included
 40 in the procedure.

41 (2) The prices of any other installation procedures or options that
 42 may be performed or provided by the person who will set the

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grave marker and a description of the goods and services included in the procedures or options.

SECTION 15. IC 10-5-13-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. As used in this chapter, "armed forces of the United States" includes the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, and United States Merchant Marine.**

SECTION 16. IC 10-5-25-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3.5. As used in this chapter, "veteran" means a person who served in the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, or United States Merchant Marine and was discharged or separated from service under other than dishonorable conditions.**

SECTION 17. IC 10-5-25-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 10. (a) A veteran who:**

(1) is eligible to be buried in a national cemetery according to 38 U.S.C. 2402; or

(2) as a member of the United States Merchant Marine, served on a vessel of the United States on ocean, coastwise, or intercoastal voyages, regardless of time, during a period of war or under conditions of danger to life and property or subjected to hostile action by an enemy government or hostile force;

is eligible to be buried in the Indiana state veterans' cemetery established under this chapter.

(b) The spouse of a veteran who is eligible to be buried in a national cemetery according to 38 U.S.C. 2402 described in subsection (a) is also eligible to be buried in the Indiana state veterans' cemetery established by this chapter.

SECTION 18. IC 10-6-1-7, AS AMENDED BY P.L.8-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 7. (a) As used in this section, "armed forces" includes the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, and United States Merchant Marine.**

(b) As used in this section, "veteran" means an individual who served in the armed forces and was discharged or separated from service under other than dishonorable conditions.

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(c) The following persons who are legal residents of Indiana for at least three (3) years immediately preceding application for admission and who are disabled or destitute are eligible for admission to the home:

(1) All honorably discharged members of the armed forces and nurses who have served with the United States in any of its wars.

(2) All honorably discharged members of the armed forces and nurses who have served in any of the authorized campaigns of the United States and who have service-connected disabilities, as evidenced by a pension certificate or the award of compensation.

(3) The spouses of such discharged members of the armed forces.

(4) The surviving spouses of such discharged members of the armed forces.

~~(b)~~ (d) The administrative head of the division of medical institutions of the state department of health, or of its legally constituted successor, shall adopt rules concerning admission to the home.

~~(c)~~ (e) In making rules governing the admission, maintenance, and discharge of members of the veterans' home, it shall be lawful for the administrative head of the administrative unit for special institutions of the state department of health, or of its legally constituted successor, to establish a fund to be known as the "veterans' home comfort and welfare fund", and the administrative head shall deposit all money collected from the members for the cost of their care and maintenance in this fund. The administrative head shall expend this money in any manner that will add to the comfort and welfare of the members of the institutions. A portion of such fund may be withdrawn and deposited in a special fund to be known as the "veterans' home building fund", which fund shall be used for the construction, maintenance, remodeling, or repairing of buildings of the Indiana veterans' home. Preference may be given to persons who served in Indiana military organizations. Except in cases where the surviving spouse of a veteran shall marry another veteran, the benefits of this chapter shall extend only to surviving spouses and spouses of veterans when the contract of marriage was entered into more than five (5) years prior to the date of death of the veteran. Unless otherwise prescribed by law, on the death of any person in such home any balance of money paid to such person, or due to the person from any bank, trust company, corporation, or individual shall become part of the assets of such person's estate and shall be distributed in the manner as prescribed by the probate law of the state.

SECTION 19. IC 14-22-12-0.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. As used in this chapter,**
 3 **"armed forces of the United States" includes the United States**
 4 **Army, United States Navy, United States Marine Corps, United**
 5 **States Air Force, United States Coast Guard, and United States**
 6 **Merchant Marine.**

7 SECTION 20. IC 14-22-12-1.5, AS ADDED BY P.L.188-2001,
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2003]: Sec. 1.5. (a) As used in this section, "qualified
 10 individual" means an individual who:

- 11 (1) is a resident of Indiana;
- 12 (2) has served in the armed forces of the United States; and
- 13 (3) has a service connected disability, as evidenced by:
 - 14 (A) records of the United States Department of Veterans
 - 15 Affairs; ~~or~~
 - 16 (B) disability retirement benefits awarded to the individual
 - 17 under laws administered by the United States Department of
 - 18 Defense; **or**
 - 19 **(C) documentation from the United States Department of**
 - 20 **Transportation or the head of another federal agency.**

21 (b) A qualified individual is entitled to reduced fee hunting and
 22 fishing licenses under this section.

23 (c) Each year a qualified individual may obtain:

- 24 (1) both:
 - 25 (A) a resident yearly license to fish; and
 - 26 (B) a resident yearly license to hunt; or
- 27 (2) a resident yearly license to hunt and fish;

28 by paying a reduced license fee of two dollars and seventy-five cents
 29 (\$2.75) instead of the fee prescribed by section 1 of this chapter.

30 (d) An applicant for a reduced fee license under this section must do
 31 the following:

- 32 (1) Request the license from:
 - 33 (A) the department;
 - 34 (B) an agent appointed by the director under IC 14-22-11-3; or
 - 35 (C) the clerk of the circuit court who is an authorized
 - 36 representative of the department under IC 14-22-11-3 in the
 - 37 county in which the individual resides.

38 (2) Present evidence that the applicant is a qualified individual.

39 SECTION 21. IC 16-33-4-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this
 41 chapter, "armed forces of the United States" means the forces and
 42 components of the Army, Navy, Air Force, Marine Corps, ~~and~~ Coast

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Guard, and Merchant Marine.

SECTION 22. IC 16-33-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. As used in this chapter, "member of the armed forces" means a person who:

(1) is on active duty in the armed forces of the United States;

(2) has:

(A) served on active duty in the armed forces of the United States during any of its wars, including the Korean War, for not less than ninety (90) days; or

(B) while on active duty in the armed forces of the United States:

(i) suffered a service connected disability necessitating discharge; or

(ii) died in the line of duty;

before the completion of ninety (90) days of service if the person has received a discharge or certificate of service other than dishonorable from the armed forces of the United States, or the survivors of the person have received a letter of mourning or certificate of death in case of death in the armed forces of the United States; or

(3) has:

(A) served on active duty in any of the authorized campaigns or declared emergencies of the United States as evidenced by:

(i) an award of authorized decorations for service outside the continental limits; or

(ii) other documentation available from the United States Department of Transportation or the head of another federal agency; and

(B) received a discharge other than dishonorable, or the survivors of the person have received a letter of mourning or certificate of death in the case of death in the armed forces.

SECTION 23. IC 20-10.1-30-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. As used in this chapter, "armed forces of the United States" includes the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, and United States Merchant Marine.**

SECTION 24. IC 20-10.1-30-7, AS ADDED BY P.L.127-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. The department and the department of veterans' affairs shall jointly design a form for the application for issuance of a

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1 diploma under the program. The application form shall require at least
2 the following information about an eligible veteran:

- 3 (1) Personal identification information.
- 4 (2) Military service information, including a copy of the eligible
5 veteran's honorable discharge **or honorable service certificate**.
- 6 (3) High school information, including the following:
 - 7 (A) Name and address, including county, of the last high
8 school attended.
 - 9 (B) Whether the high school was a public or nonpublic school.
 - 10 (C) Years attended.
 - 11 (D) Year of leaving high school to begin military service.
 - 12 (E) Year in which the veteran would have graduated if the
13 veteran had not left high school to begin military service.
- 14 (4) If the high school attended was a public school, whether the
15 veteran prefers receiving a diploma issued by:
 - 16 (A) the board; or
 - 17 (B) the governing body of the school corporation governing
18 the high school.

19 SECTION 25. IC 20-12-19-0.5 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. As used in this chapter,**
22 **"armed forces of the United States" includes the United States**
23 **Army, United States Navy, United States Marine Corps, United**
24 **States Air Force, United States Coast Guard, and United States**
25 **Merchant Marine.**

26 SECTION 26. IC 20-12-19-1, AS AMENDED BY P.L.103-2002,
27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2003]: Sec. 1. (a) As used in this section, "state educational
29 institution" has the meaning set forth in IC 20-12-0.5-1.

30 (b) This section applies to the following persons:

- 31 (1) A person who:
 - 32 (A) is a pupil at the Soldiers' and Sailors' Children's Home;
 - 33 (B) was admitted to the Soldiers' and Sailors' Children's Home
34 because the person was related to a member of the armed
35 forces of the United States;
 - 36 (C) is eligible to pay the resident tuition rate at the state
37 educational institution the person will attend as determined by
38 the institution; and
 - 39 (D) possesses the requisite academic qualifications.
- 40 (2) A person:
 - 41 (A) whose mother or father:
 - 42 (i) served in the armed forces of the United States;

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- 1 (ii) received the Purple Heart decoration or was wounded as
 2 a result of enemy action; and
 3 (iii) received a discharge or separation from the armed
 4 forces other than a dishonorable discharge;
 5 (B) who is eligible to pay the resident tuition rate at the state
 6 educational institution the person will attend as determined by
 7 the institution; and
 8 (C) who possesses the requisite academic qualifications.
 9 (3) A person:
 10 (A) whose mother or father:
 11 (i) served in the armed forces of the United States during
 12 any war or performed duty equally hazardous that was
 13 recognized by the award of a service or campaign medal of
 14 the United States **or other documentation available from**
 15 **the United States Department of Transportation or the**
 16 **head of another federal agency;**
 17 (ii) suffered a service connected death or disability as
 18 determined by the United States Department of Veterans
 19 Affairs, **the United States Department of Transportation,**
 20 **or the head of another federal agency;** and
 21 (iii) received any discharge or separation from the armed
 22 forces other than a dishonorable discharge;
 23 (B) who is eligible to pay the resident tuition rate at the state
 24 educational institution the person will attend, as determined by
 25 the institution; and
 26 (C) who possesses the requisite academic qualifications.
 27 (c) Beginning with the semester or term that begins in the fall of
 28 2000, a person described in subsection (b) is entitled to enter, remain,
 29 and receive instruction in a state educational institution upon the same
 30 conditions, qualifications, and regulations prescribed for other
 31 applicants for admission to or scholars in the state educational
 32 institutions, without the payment of any tuition or mandatory fees for
 33 one hundred twenty-four (124) semester credit hours in the state
 34 educational institution. For purposes of this chapter, the commission
 35 for higher education of the state of Indiana (IC 20-12-0.5-2) shall
 36 define mandatory fees in consultation with the state student assistance
 37 commission (IC 20-12-21-4).
 38 (d) If an applicant:
 39 (1) is permitted to matriculate in the state educational institution;
 40 (2) shall qualify under this chapter; and
 41 (3) shall have earned or been awarded a cash scholarship which
 42 is paid or payable to such institution, from whatsoever source;

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the amount paid shall be applied to the credit of such applicant in the payment of incidental expenses of the applicant's attendance at the institution, and any balance, if the terms of the scholarship permit, shall be returned to such applicant.

(e) Determination of eligibility for higher education benefits authorized under this section is vested exclusively in the Indiana department of veterans' affairs. Any applicant for these benefits may make a written request for a determination of eligibility by the Indiana department of veterans' affairs. The director or deputy director of the department shall make a written determination of eligibility in response to each request. In determining the amount of an individual's benefit, the state student assistance commission shall consider other higher education financial assistance as provided in section 2 of this chapter.

(f) An appeal from an adverse determination shall be made in writing to the veterans' affairs commission not more than fifteen (15) working days following the applicant's receipt of the determination. A final order shall be made by a simple majority of the veterans' affairs commission not more than fifteen (15) days following receipt of the written appeal.

(g) A person who knowingly or intentionally submits a false or misleading application or other document under this section commits a Class A misdemeanor.

SECTION 27. IC 25-25-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) This section applies to:

- (1) any veteran described in IC 10-5-12-1 or IC 10-5-13-1; or
- (2) any other veteran to whom this chapter applies because of the provisions of any other statute;

who holds an honorable discharge **or an honorable service certificate** from such service issued by the proper authorities. Such a person shall be entitled to a license to vend, hawk, and peddle goods, wares, fruits, and merchandise in any county, city, or town within this state without the payment of any fee therefor. Upon the presentation of **his the person's** certificate and papers of discharge, properly executed, to the auditor of any county in this state, and proving **his the person's** identity as the person named in **his the** certificate of honorable discharge **or honorable service**, the auditor shall issue to such ex-soldier or sailor a license to vend, hawk, and peddle goods, wares, fruits, and merchandise within the county, and in all cities and towns therein situate, which license shall be free, and no fee shall be charged to the holder of such license by such auditor, nor by the authorities of any city or town in such county, nor by any other officer, but such license shall

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1 be full and complete authority to vend, hawk, and peddle as aforesaid,
2 without the payment of any sum of money.

3 (b) A person who acquires a license under this section is subject to
4 all county, city, or town regulations and ordinances concerning
5 vendors, hawkers, or peddlers, except for those provisions requiring
6 payment of money for obtaining a license.

7 SECTION 28. IC 25-37-1-14 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) This section
9 applies to a county having a consolidated city.

10 (b) **As used in this section, "armed forces of the United States"**
11 **includes the United States Army, United States Navy, United States**
12 **Marine Corps, United States Air Force, United States Coast**
13 **Guard, and United States Merchant Marine.**

14 (c) A veteran who holds an honorable discharge **or an honorable**
15 **service certificate** from the armed forces of the United States is
16 exempt from the payment of a fee for a transient merchant license
17 issued under this chapter by a municipality located wholly or partially
18 within the county.

19 (c) (d) Upon the presentation of the veteran's certificate and papers
20 of discharge and proof of the veteran's identity, the official designated
21 by the municipality shall issue a transient merchant license to the
22 veteran. A person licensed under this section shall comply with all
23 ordinances of the county or municipality governing transient
24 merchants.

25 SECTION 29. [EFFECTIVE JULY 1, 2003] **IC 6-1.1-1-22.7 and**
26 **IC 6-1.1-12-0.3, both as added by this act, and IC 6-1.1-12-13,**
27 **IC 6-1.1-12-14, and IC 6-1.1-12-15, all as amended by this act,**
28 **apply to taxable years beginning after December 31, 2003.**

29 SECTION 30. [EFFECTIVE JULY 1, 2003] **IC 9-13-2-101,**
30 **IC 9-13-2-132, IC 9-18-18-1, and IC 9-18-38-1, as amended by this**
31 **act, apply to calendar years beginning after December 31, 2003.**

32 SECTION 31. [EFFECTIVE JULY 1, 2003] **IC 10-5-13-0.5,**
33 **IC 10-5-25-3.5, IC 14-22-12-0.5, and IC 20-12-19-0.5, all as added**
34 **by this act, and IC 10-5-3-1, IC 10-5-25-10, IC 10-6-1-7,**
35 **IC 14-22-12-1.5, IC 16-33-4-1, IC 16-33-4-4, IC 20-12-19-1,**
36 **IC 25-25-2-1, and IC 25-37-1-14, all as amended by this act, apply**
37 **to service performed before July 1, 2003, for the purposes of**
38 **determining eligibility for a benefit; however, benefits that accrue**
39 **may not be paid or provided for any period before July 1, 2003.**

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